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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/714,672 | 11/18/2003 | Osamu Yamashita | WN-2622 | 2304 |

21254 7590 02/14/2006

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

| EXAMINER | |
|---|---|
| SHEDRICK, CHARLES TERRELL | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2687 | |

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/714,672 | YAMASHITA ET AL. | |
| | Examiner | Art Unit | |
| | Charles Shedrick | 2687 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *15 December 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-4,6-14 and 16-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-14 and 16-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 November 2003* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Amendment*

### *Response to Arguments*

1. Applicant's arguments with respect to claim 1-5,7-14, and 16-20 have been considered but are moot in view of the new ground(s) of rejection.

## DETAILED ACTION

### *Priority*

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in **United Kingdom** on **March 28 2003**. It is noted, however, that applicant has not filed a certified copy of the **0226980** application as required by 35 U.S.C. 119(b). The copy submitted, **DE 10314 694.6** does not match. The correct priority application has not been received.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims **1,2,4,5,8-11,13,14,17,18** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ramesh et al. WO 02/37889 A1, "Ramesh"**, hereinafter in view of **Palenius et al. US Patent Pub. No.2004/0058650 A1, "Palenius"**, hereinafter.

Consider **claim 1**, Ramesh teaches a method of determining a most suitable cell **12** (**Figure 1**)(i.e., Channel allocation) during network acquisition for a cellular communication device **100** (**Figure 1**) based on a characteristic of signals (i.e., power measurements) received from a plurality of cells **12** (**Figure 1**)(**pg.5 lines 1-5**), the signals from each cell being provided over a band of frequencies, and said method comprising: taking a series of measurements of said characteristic for each frequency of a first band(**pg. 8 lines 20-21**), so as to obtain an average measurement value of said characteristic for each frequency of said first frequency band(**pg. 3 lines 1-25**),wherein the series of measurements on said first frequency band are equally spaced in time, with equal time intervals there between(**pg. 10 lines 3-23**).

However, Ramesh does not specifically teach during the time intervals between measurements for said fist frequency band, taking a series of measurements of said characteristic for each frequency of a second frequency band.

In the same field of endeavor, Palenius teaches during the time intervals between measurements for said first frequency band, taking a series of measurements of said characteristic for each frequency of a second frequency band (i.e., see figure 2)(**paragraph 0014 and paragraph 0033**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ramesh to include during the time intervals between measurements for said fist frequency band, taking a series of measurements of said characteristic for each frequency of a second frequency band as taught by Palenius for the purpose of efficient cell search.

Consider **claim 2** and **as applied to claim 1 above**, Ramesh as modified by Palenius teaches a method wherein said characteristic comprises the signal strength (i.e., power measurements)(**pg. 3 lines 1-5**).

Consider **claim 4** and **as applied to claim 1 above**, Ramesh as modified by Palenius teaches wherein said series of measurements comprises a series of five measurements (**pg. 3 lines 18-22**).

Consider **claim** 5 and **as applied to claim 1 above**, Ramesh as modified by Palenius teaches wherein each of said equal time intervals is in the order of 0.5 second (i.e., the power measure intervals are chosen to minimize the amount of time needed. The intervals can be fixed

so that other measurements are interleaved in equally spaced fixed predetermined intervals such as 0.5 seconds (**pg. 9 line 25 – pg. 10 line 2 and pg. 11 lines 1 –5**).

Consider **claim 8** and **as applied to claim 1 above,** Ramesh as modified by Palenius teaches wherein said first and second frequency bands operate in a single operating mode and second stage (i.e., next repetition) search operations are conducted during the said equal time intervals (i.e., the measurement periods are interleaved) (**pg. 3 lines 5-8**).

Consider **claim 9** and **as applied to claim 8 above,** Ramesh as modified by Palenius teaches a method wherein said second stage (i.e., next repetition) operations are conducted on cells found to have high signal strength after the first measurement (i.e., the decision block determines whether to repeat the power measurements on each carries) (**pg. 13 lines 7-12**).

Consider **claim 10**, Ramesh teaches a cellular communications device **100** (**Figure 1**) for determining a most suitable cell **12** (**Figure 1**)(i.e., Channel allocation) during network acquisition for a cellular communication device, based on a characteristic of signals (i.e., power measurements) received from a plurality of cells **12** (**Figure 1**)(**pg.5 lines 1-5**), the signals from each cell being provided over a band of frequencies, said cellular communication device comprising: a first unit for taking a series of measurements of the characteristic for each frequency of a first frequency band (**pg. 8 lines 20-21**), so as to obtain an average measurement value (**pg. 3 lines 1-25**), wherein the series of measurements on the first frequency band are equally spaced in time, with equal time intervals there between (**pg. 10 lines 3-23**).

However, Ramesh does not specifically teach a second unit for taking a series of measurements of the characteristic for each frequency of a second frequency band during the time intervals between the measurement for the first frequency band.

In the same field of endeavor, Palenius teaches a second unit for taking a series of measurements of the characteristic for each frequency of a second frequency band during the time intervals between the measurement for the first frequency band (i.e., see figure 2)(**paragraph 0014 and paragraph 0033**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ramesh to include a second unit for taking a series of measurements of the characteristic for each frequency of a second frequency band during the time intervals between the measurement for the first frequency band as taught by Palenius for the purpose of efficient cell search.

Consider **claim 11** and **as applied to claim 10 above**, Ramesh as modified by Palenius teaches wherein the said characteristic comprises the signal strength (i.e., power measurements)(**pg. 3 lines 1-5**).

Consider **claim 13** and **as applied to claim 10 above**, Ramesh as modified by Palenius teaches wherein said series of measurements comprise a series of five measurements (**pg. 3 lines 18-22**).

Consider **claim 14** and **as applied to claim 10 above**, Ramesh as modified by Palenius teaches wherein each of said equal time intervals is in the order of 0.5 second (i.e., the power measure intervals are chosen to minimize the amount of time needed. The intervals can be fixed so that other measurements are interleaved in equally spaced fixed predetermined intervals such as 0.5 seconds (**pg. 9 line 25 – pg. 10 line 2 and pg. 11 lines 1 –5**).

Consider **claim 17** and **as applied to claim 10 above,** Ramesh as modified by Palenius teaches wherein said device is for use with a single mode cellular communications device **100**

(**Figure 1**), and second stage (i.e., next repetition) search operations are conducted during the said equal intervals (i.e., the measurement periods are interleaved) (**pg. 3 lines 5-8**).

Consider **claim 18** and **as applied to claim 17 above,** Ramesh as modified by Palenius teaches a device wherein said second stage (i.e., next repetition) operations are conducted are conducted on cells found to have high signal strength after the first measurement (i.e., the decision block determines whether to repeat the power measurements on each carries) (**pg. 13 lines 7-12**).

Claims **3** and **12** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ramesh et al. WO 02/37889 A1 "Ramesh",** hereinafter in view of **Palenius et al. US Patent Pub. No.2004/0058650 A1, "Palenius",** hereinafter and further in view of **Cooper Pub No. US 2004/0203745 A1**

Consider **claims 3** and **12** and as applied to **claims 1** and **10 above,** Ramesh as modified by Palenius teaches the claimed invention except for characteristics that are derived from signal strength.

In the same field of endeavor, Cooper discloses a method and device **2** (i.e., Mobile station) (**Figure 1**) wherein said characteristic comprises a derivative of signal strength (i.e., Signal to Noise Ratio) (**page 2 paragraph 0011**).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention made by Ramesh as modified by Palenius to include other characteristic measurements as taught by Cooper for the purpose of improving the network acquisitioning.

**Claims 7,16,19, and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ramesh et al. WO 02/37889 A1, "Ramesh"**, hereinafter in view of **Palenius et al. US Patent Pub. No.2004/0058650 A1, "Palenius"**, hereinafter and further in view of **Dorsey et al., Pub No. US 2004/0224684 A1.**

Consider **claim 7** and **16** and **as applied to claims 19 and 20 below,** Ramesh et al. clearly discloses the claimed invention.

However, Ramesh as modified by Palenius does not teach a method and device wherein one operating mode comprises GSM and the other operating mode comprises UMTS.

In the same field of endeavor, Dorsey et al. discloses a method and device wherein one radio access technology comprises GSM and a second radio access technology comprises UMTS (i.e., per the 3GPP specification) **(paragraph 0002)**.

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use GSM and UMTS modes for the Dual Mode phones as taught by Dorsey et al. in the invention of Ramesh as modified by Palenius for the purpose of diversifying technologies and wireless area coverage.

Consider **claims 19 and 20** and as applied to claims **1 and 10** above, Ramesh as modified by Palenius teaches the claimed invention except wherein said first and second frequency bands operate in different operating modes.

In the same field of endeavor, Dorsey et al. teaches except wherein said first and second frequency bands operate in different operating modes (i.e., The specific frequency bands originally defined by the UMTS standard are 1885-2025 MHz for uplink and 2110-2200 MHz for downlink. Most GSM networks operate at 900 MHz or 1800 MHz. The exception to the rule

are networks in parts of the Americas (including the USA and Canada) that operate at 850 MHz or 1900 MHz)(**paragraphs 0002 and 0003**)

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Shedrick whose telephone number is (571)-272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid Lester can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles Shedrick
AU 2687
February 7, 2006

NICK CORSARO
PRIMARY EXAMINER